

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ACE AMERICAN INSURANCE COMPANY,	)	
FEDERAL INSURANCE COMPANY,	)	
INSURANCE COMPANY OF NORTH AMERICA,	)	
MARYLAND CASUALTY COMPANY and	)	C.A. NO.
NORTHERN INSURANCE COMPANY	)	04CV12252
Plaintiffs,	)	
v.	)	
	)	
CROSBY YACHT YARD, INC. and	)	
OYSTER HARBORS MARINE, INC.	)	
Defendants.	)	

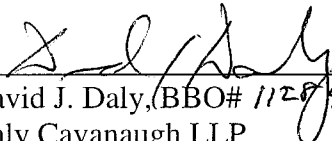
AFFIDAVIT IN SUPPORT OF MOTION  
FOR CONSOLIDATION OF ACTIONS

David J. Daly, being duly sworn, deposes and says:

1. I represent the plaintiffs in the above-entitled cause.
2. Said action was brought on the 25th of October 2004.
3. On the 25th of October 2004, C.A. No. 04CV12244-GAO was filed by the plaintiff Standard Fire Insurance Company against the same defendants.
4. Each of the above-entitled actions is now pending in this Court.
5. Each of said actions arose out of the same fire that is alleged to have occurred on the defendants' premises.
6. The issues in both of said actions arose out of the same transactions and are based upon the same facts, in that all of the plaintiffs are insurers seeking recovery of moneys paid to their insureds and boat owners seeking recovery of their deductibles, for damages as a the result of the fire, which fire is alleged to have occurred on the premises of the defendants', and to have been caused by, *inter alia*, the negligence of the defendants.
7. Each of said actions involves a common question of law and facts.

8. Considerable time and expense will be saved by the consolidation of the two actions.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY  
THIS 7<sup>th</sup> DAY OF FEBRUARY, 2005

  
David J. Daly, BBO# 1128740  
Daly Cavanaugh LLP  
27 Mica Lane  
Wellesley, MA 02481

Commonwealth of Massachusetts  
County of Norfolk  
Subscribed and sworn to before me this  
7<sup>th</sup> day of ~~January~~ February, 2005.

  
Notary Public

My commission expires: April 16, 2010

